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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,233	01/25/2002	Brent A. Lowensohn	KAIS-001	2252
7590	02/02/2006		EXAMINER	
Charles G. Call 68 Horse Pond Road West Yarmouth, MA 02673			PERUNGAVOOR, VENKATANARAY	
			ART UNIT	PAPER NUMBER
			2132	
DATE MAILED: 02/02/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/058,233	<b>Applicant(s)</b> LOWENSOHN ET AL.	
	<b>Examiner</b> Venkatanarayanan Perungavoor	<b>Art Unit</b> 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 90-116 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90-116 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/12/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 9/12/2005 was filed and the submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. The Affidavit filed on 12/27/2005 under 37 CFR 1.131 is sufficient to overcome the U.S. Patent 6,346,886 B1 to De La Huerga, U.S. Patent Publication 2002/0165731 A1 to Dempsey, U.S. Patent Publication 2002/0178367 A1 to Hamid et al. references.
3. Applicant's arguments with respect to claims 90-116 have been considered but are moot in view of the new ground(s) of rejection.

### ***Response to Amendment***

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 90, 107 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,883,576 De La Huerga(hereinafter Huerga).

6. Regarding Claim 90, Huerga discloses the a portable communication device worn on the body of person for including a memory for storing identification data see Fig. 10 item 140; a first radio device and a second radio device for detecting the presence of first within radio range see Col 4 Ln 14-25 & Col 4 Ln 39-43 & Col 2 Ln 65- Col 3 Ln 17; a first infrared device and the second infrared device for detecting presence of first infrared device see Col 10 Ln 31-40 & Col 10 Ln 11-21& Col 15 Ln 5-12; a computing system for performing functions see Fig. 10 item 240.
7. Regarding Claim 91-93,110-115, Huerga discloses the detection of the portable communications unit removal from the body and erasing the data contained within the unit and communicating with the processor about the removal Col 14 Ln 4-15 & Col 9 Ln 41-51.
8. Regarding Claim 94, 101, 108, Huerga discloses the verifying of identity of person before storing identification data in memory see Col 11 Ln 7-28.
9. Regarding Claim 98-99, Huerga discloses the audible alarm unit being activated in response to the removal of communications unit see Col 11 Ln 54-65.

10. Regarding Claim 100, Huerga discloses the use of passwords to be used to compare and verification see Col 12 Ln 16-24.

11. Regarding Claims 103-106, Huerga discloses the retrieving of identification information and communicating the information to the authorized person Col 14 Ln 16-28.

12. Regarding Claim 116, Huerga discloses the notification when the person is not authorized to be in an area see Col 15 Ln 43-62.

13. Regarding Claim 107, Huerga discloses communication between base station and first and second radio devices using radio or infrared or both see Col 10 Ln 22-30 & Col 13 Ln 41-44.

***Claim Rejections - 35 USC § 103***

14. Claims 95-97, 102, 109, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,576 De La Huerga (hereinafter Huerga) as applied to claim 91 above, and further in view of U.S. Patent Publication 2002/0129285 A1 to Kuwata et al. (hereinafter Kuwata).

15. Regarding Claim 95-97, 102, 109, Huerga discloses the comparing of biometric information with the stored information see Col 12 Ln 16-24. But does not disclose the fingerprint and iris information. However, Kuwata discloses biometric

information being fingerprint and iris scan see Par. 0026. It would be obvious to one having ordinary skill in the art at the time of the invention to the comparing of biometric information with stored information in the invention of Huerga in order to have a accurate information in the memory or third party as taught in Hamid see Par. 0045.

### ***Conclusion***

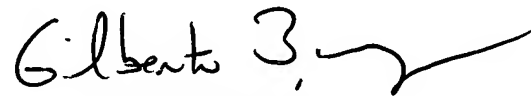
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor  
Examiner  
Art Unit 2132

Vp  
1/23/2006

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100